



*See attached*  
PATENT  
Attorney Docket No.: DIVER1280-17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Short, et al.  
Serial No.: 09/975,036  
Filed: October 10, 2001  
Title: HIGH THROUGHPUT OR CAPILLARY-BASED SCREENING FOR A  
BIOACTIVITY OR BIOMOLECULE

Art Unit: 1645  
Examiner Unassigned

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, D.C. 20231

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**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

In response to the Notice to File Missing Parts of Application mailed November 15, 2001, enclosed are:

1. A copy of the Notice to File Missing Parts of Application (2 pages);
2. An executed Declaration for Patent Application (3 pages);
3. A Power of Attorney by Assignee (2 pages);
4. Substitute drawings (27 pgs.);
5. Petition for Extension of Time (2 pages);
6. Check in the amount of \$55.00; and
7. Check in the amount of \$3146.00

Response to Sequence Listing is concurrently being filed under separate cover.

Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

**CERTIFICATION UNDER 37 CFR § 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on February 15, 2002, in an envelope addressed to: BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231

Lisa Corrales

In re Application of:  
Short, et al.  
Application No.: 09/975,036  
Filed: October 10, 2001  
Page 2

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The filing fee has been calculated as shown below:

	Number Filed		Number Extra	Rate			Fee	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	217-20	=	197	X	\$09	\$18	=	\$1773.00 \$ .00
Independent Claims	22-3	=	19	X	\$42	\$80	=	\$798.00 \$ .00
Multiple Dependent Claims Presented:	Yes <input checked="" type="checkbox"/>	-o			\$140	\$260		\$140.00 0
						BASIC FEE	\$370.00	\$
						TOTAL FEE	3081.00	

Enclosed is a check in the total amount of \$3146.00 to cover the surcharge fee of \$65.00, \$1773.00 for the extra claims fee, \$798.00 for the independent claims fee, \$140.00 for the multiple dependent fee, and \$370.00 for the application filing fee. Also enclosed is a check in the amount of \$55.00 for the filing for the Petition for Extension of Time. The Commissioner is authorized to charge any additional fees or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: February 5, 2002

*By: Richard L. Imber* Reg. No. 32643  
*for:* Kelly Reynolds  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,036	10/10/2001	Ray M. Short	DIVER1280-17

Lisa A. Haile, Ph.D.  
Gray Cary Ware & Freidenrich LLP  
Suite 1100  
4365 Executive Drive  
San Diego, CA 92121-2189

**CONFIRMATION NO. 2400**  
**PATENT DOCKETING FEB 28 2002**  
**NOV 20 2001**  
**GRAYCARY/T.ELLIS**  
**FORMALITIES LETTER**  
  
 OC000000007074411\*

Repln. Ref: 03/06/2002 SMINASS1 0010063200  
DA#501355 Name/Number:09975036  
FC: 704 \$370.00 CR

Date Mailed: 11/15/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

03/06/2002 SMINASS1 00000038 09975036

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

01 FC:203	1773.00 OP
02 FC:202	798.00 OP
03 FC:204	140.00 OP
04 FC:205	65.00 OP

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$2711.
  - \$1773 for 197 total claims over 20.
  - \$798 for 19 independent claims over 3 .
  - \$140 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2776.**

Adjustment date: 03/20/2002 YGIZAH  
03/06/2002 SMINASS1 00000038 09975036  
01 FC:203 -1773.00 OP  
02 FC:202 -798.00 OP  
03 FC:204 -140.00 OP

Repln. Ref: 03/20/2002 YGIZAH 0008133800  
DA#501355 Name/Number:09975036  
FC: 704 \$2711.00 CR

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at

63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*Jonah*  
*Customer Service Center*  
Initial Patent Examination Division (703) 308-1202  
PART I - ATTORNEY/APPLICANT COPY

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